

REMARKS

The sole remaining basis for rejection is over Junji *et al.* publication no. 62/145024; application no. 60/284212. Only the Abstract was available and made the basis for the rejection.

As agreed at the interview, the present claims are allowable over the Abstract. The present application shows that the claimed lanthanum carbonates with waters of hydration between 3 and 6 are superior in their ability to absorb phosphate quickly and completely. The Abstract focuses on cerous salts; to the extent that the Abstract would suggest that the various rare earth elements are equivalent, the Abstract also suggests a decahydrate is equivalent to a 3.5 hydrate. Clearly applicants have shown that this is not the case and applicants appreciate the acknowledgment of the Office that the claims are patentable over the Abstract.

It is believed that claims 1-3, 5, 7, 8 and 10-13 are in a position for allowance and passage of these claims to issue is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 391442000200. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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